

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WILLIAM G. GIBBONS, :
: Plaintiff, : ECF Case
: :
: -against- : 07 Civ. 2801 (MGC)
: :
LEONARD FRONTON, D.O., STEVEN FEIN, :
M.D., STERLING MEDICAL CORPORATION, :
DEPARTMENT OF VETERANS AFFAIRS, :
and THE UNITED STATES OF AMERICA, :
: **NOTICE OF MOTION**
: Defendants. :
: :
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PLEASE TAKE NOTICE that upon the Declarations of Larry Joseph Brinkman, Stacey L. Mallot, Allison D. Penn, and all exhibits attached thereto; the Memorandum of Law in Support of Defendants' Motion to Dismiss the Complaint pursuant to Fed. R. Civ. P 12(b)(1) and 12(b)(6); and upon all the pleadings heretofore filed in this action, Defendants the United States of America and the Department of Veterans Affairs, by their attorney, Allison D. Penn, United States Attorney for the Southern District of New York, will move this Court on **Thursday, August 16, 2007, at 9:30 a.m.**, before the Honorable Miriam Goldman Cederbaum for an order dismissing the Complaint pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, and for such other and further relief as the Court deems just and proper.

Pursuant to this Court's Individual Rules, any opposition papers to the Motion must be received by all parties no later than **12:00 p.m. on Wednesday, August 8, 2007**. Reply papers must be received by all parties no later than **12:00 p.m. on Tuesday, August 14, 2007**.

Dated: New York, New York
July 19, 2007

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for Defendants

By:


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